

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: APPLICATION OF MEDICAL
RESEARCH COUNCIL FOR AN ORDER
PERMITTING ISSUANCE OF
SUBPOENAS TO TAKE DISCOVERY
FOR USE IN FOREIGN PROCEEDING,

Petitioner.

Case No. [15-mc-80213-HSG](#) (SK)

**AMENDED ORDER REGARDING
MOTION FOR RECONSIDERATION**

Regarding Docket No. 35

In the Order granting in part and denying in part the motion for reconsideration filed by Medical Research Council (“MRC”), the Court required Genentech, Inc. (“Genentech”) to provide certain documents for *in camera* review. The Court directed Genentech to provide the Court for *in camera* review the unredacted sections of the agreement at issue that address production and supply, as well as a copy of the supply agreement between Genentech and Roche referenced in Genentech’s opposition letter filed on December 16, 2015. After reviewing these documents *in camera*, the Court ORDERS that Genentech shall provide unredacted copies of the following portions of these documents:

- (1) The following portions of the Amended and Restated Agreement Between Genentech, Inc and F. Hoffman-La Roche Ltd Regarding Commercialization of Genentech’s Products Outside of the United States: the first full paragraph on page two; Art. V(4);¹
- (2) The following portions of the Umbrella Manufacturing Supply Agreement: the beginning phrase of the third paragraph on page one up until (i); the phrase after (iv) in the third paragraph on page one; paragraphs 1.39 and 1.42 on page 6; paragraph

¹ In its original order, the Court had required Genentech to produce unredacted portions of Art. V(5)(d). However, as Genentech brought to the attention of the Court, that paragraph does not relate to Avastin.

3.1.6(b) on page 12; paragraph 3.8.1 on page 21; paragraphs 4.1, 4.2, and 4.2 on pages 32 and 33; and paragraphs 7.1 and 7.2 on page 35;

(3) The following portions of the Short Term Supply Agreement: the beginning phrase of the third paragraph on page one up until (i); the phrase after (iii) in the third paragraph on page one; and the second paragraph of 4.1 and paragraphs 4.1.3, 4.1.4, and 4.1.5 on pages 5 and 6.

Genentech shall provide these documents to MRC by no later than March 14, 2016.

IT IS SO ORDERED.

Dated: March 10, 2016



SALLIE KIM
United States Magistrate Judge